

STATE OF MICHIGAN
COURT OF APPEALS

YVONNE WILLIAMS, by her Personal
Representative, MELVIN WILLIAMS,

UNPUBLISHED
January 31, 2006

Plaintiff-Appellee,

v

No. 256358
Wayne Circuit Court
LC No. 02-243745-NI

CITY OF DETROIT,

Defendant-Appellant,

and

ADAM HUNT, DANNY ROBERSON, and
DAVID THOMAS,

Defendants.

Before: Meter, P.J., Whitbeck, C.J., and Schuette, J.

MEMORANDUM.

This case arises from a September 4, 2002 traffic accident, which resulted in Yvonne Williams' death. Defendant City of Detroit (the City) appeals by right from the trial court's denial of the City's motion for summary disposition. We reverse. We decide this appeal without oral argument.¹

A plaintiff's injuries from an accident that allegedly involved a government-owned vehicle must "result from" the operation of that government vehicle.² To escape application of the doctrine of governmental immunity, the plaintiff must plead and prove that one of three things happened with respect to a government owned vehicle: impact with or by the government owned vehicle; that the government owned vehicle physically forced another vehicle off the

¹ MCR 7.214(E).

² MCL 691.1405; *Robinson v Detroit*, 462 Mich 439, 456; 613 NW2d 307 (2000).

road; or that the government owned vehicle forced the other vehicle into another vehicle or object.³

Viewing the evidence in a light most favorable to Williams,⁴ the two City busses, which defendant David Thomas claimed were blocking eastbound Harper Avenue, were stationary, not in motion, and there was no contact between the deceased and either bus. And there was no evidence that the car driven by Thomas was struck by, or had any contact with, either bus. Thus, there was no injury “resulting from” the City’s ownership or operation of the busses.⁵ Therefore, we conclude that the City is entitled to summary disposition on two alternate grounds: Williams has stated no claim on which relief can be granted,⁶ and the City is immune from suit on these facts.⁷

We do not address Williams’ federal due process claim. Williams’ amended complaint does not allege any due process violation, and the trial court refused to rule on this claim when William first raised it at the summary disposition hearing.

We reverse.

/s/ Patrick M. Meter
/s/ William C. Whitbeck
/s/ Bill Schuette

³ *Robinson, supra* at 455-457.

⁴ *Bertrand v Alan Ford, Inc*, 449 Mich 606, 618; 537 NW2d 185 (1995).

⁵ *Robinson, supra*; *Curtis v Flint*, 253 Mich App 555, 561-562; 655 NW2d 791 (2002).

⁶ MCR 2.116(C)(8).

⁷ MCR 2.116(C)(7).